

FILED

JUN 19 1998

CLERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

DEPUTY CLERK

EASTERN DISTRICT OF CALIFORNIA

RE: )  
 ) GENERAL ORDER NO. 355  
ADOPTION OF AMENDMENT )  
TO CRIMINAL JUSTICE ACT )  
PLAN )  
\_\_\_\_\_ )

The Criminal Justice Act Plan is amended to add VII., **E. Change in Representation**. IT IS HEREBY ORDERED that the attached amendment to the CJA Plan is **effective June 19, 1998.**

DATED: June 19, 1998.

FOR THE COURT:



WILLIAM B. SHUBB, Chief Judge  
Eastern District of California

11. REPRESENTATION IN STATE DEATH PENALTY HABEAS CORPUS PROCEEDINGS  
UNDER 28 U.S.C. § 2254

A. FPD Death Penalty Representation. The Federal Public Defender organization is designated to provide representation in death penalty federal habeas corpus cases. In this regard, the primary goal of the Federal Public Defender will be to assist the court in ensuring that adequate representation is provided to persons under death sentence who seek federal habeas corpus relief. Toward that end, the Federal Public Defender shall be appointed as counsel of record in cases where there is no conflict of interest up to a fixed number each year consistent with funding and staffing levels of the Federal Public Defender related to these types of cases. The Federal Public Defender also shall monitor federal capital litigation in the Eastern District of California and advise the court periodically concerning the anticipated inflow of such cases into the district.

B. Additional FPD Death Penalty Habeas Corpus Responsibilities.

The Federal Public Defender is authorized to:

1. coordinate resources with other state and national organizations providing legal assistance to death-sentenced inmates.
2. Maintain a brief bank and clearing house of materials to assist lawyers in death penalty habeas corpus cases in federal courts.
3. Perform such other tasks, including the preparation

and filing of amicus briefs, as may be necessary to ensure that adequate representation is provided to financially eligible persons in death penalty federal habeas corpus proceedings.

- C. Death Penalty Habeas Corpus Selection Board. The court shall appoint a death penalty habeas corpus selection board to recruit and screen lawyers qualified to provide representation in death penalty habeas corpus matters. The selection board shall maintain a panel of lawyers qualified to provide representation in death penalty habeas cases, and, upon request, provide the court with the names of qualified lawyers on the list.
- D. Appointment of Private Counsel. Where the appointment of private counsel is appropriate to represent financially eligible persons seeking habeas corpus relief in state death penalty proceedings under section 2254 of Title 28, United States Code, the Court shall appoint private attorneys who are qualified for appointment pursuant to section 848(q) of Title 21, United States Code.
- E. Change in Representation. If a client or counsel desires to change the status of representation in a case from privately-retained to court-appointed, any such change must first be approved by the Court. Approval will be given, after consultation with the Federal Defender, when the interests of justice so require.